

## DOC Response to LFD Budget Issues

### Major LFD Issues:

- *The number of beds supported by the budget request exceeds the number of offenders anticipated per the department's population estimates by 279 and 241 in FY 2008 and 2009, respectively, at an estimated cost of \$20 million for the biennium.*

**DOC response:** This issue is addressed in the department's responses to the first and sixth LFD issue under Program 2, and the fourth LFD issue under Program 3.

- *The budget request does not specify where additional facilities or beds will be located or who it will contract with for the provision of services; rather, department staff indicates that request for proposals will be issued to located contractors.*

**DOC response:** The department will provide a handout to outline the secure-bed proposal. However, not all information can be provided until request for proposals are issued and contractors selected.

- *Information requested for selected new proposals in general did not contain specific goals and objectives; definitive, quantifiable performance measures; or specific milestones (date/task completion) for implementation or achievement of the proposal.*

**DOC response:** Please see template information.

- *The budget request for the department does not contain specified funding to support additional expenditures impacting the department for:*

1) *The Secure Treatment and Examination Program (STEP), a joint project of DPHHS and DOC to serve mentally ill forensic populations.*

**DOC response:** STEP is budgeted in the DPHHS request. The 60 beds in this program address the male and female secure-care population projections.

2) *Expansion of the work dorm at MSP included in the long-range building request.*

**DOC response:** This proposal or concept was not developed until November 2006 and thus missed the submission deadline. This concept was developed in cooperation with the governor's budget office.

## **Program 1 (Administration and Support Services)**

### ***LFD Issue: Rental costs may exceed funding (D-75)***

DOC response: While the total cost per square foot may be \$25, until a request for proposals is issued and awarded, the total cost is unknown. The budget office has been working with the Department of Administration on this project.

### ***LFD Issue: Completeness of Information for additional IT staff (D-76)***

DOC response: Staffing analysis supplied to the LFD explained in detail the ongoing and growing need to add these individuals. In the past decade, the department has connected every probation and parole office and all housing units at Montana State Prison to SummitNet, the number of computers at our secure facilities has greatly increased, and the number of applications and systems to which staff connect have also increased. IT staffing did not increase during this same time period which has had the effect of moving the IT staff into a break/fix operating mode, which limits the ability for development of new systems and support of those systems.

We have requested 2 FTE for computer programming positions that will allow us to increase our ability to move away from our outdated legacy systems and create or expand systems that meet the department's information needs now and into the future. These staff will work on many different projects which will be assigned based upon department priorities.

We have requested 2 FTE to augment our computer desktop support staff. We currently have four desktop support staff that provide support to nearly 800 computers across the state, student labs at Pine Hills and Riverside youth correctional facilities, and to numerous stand-alone computers as time permits. These additional FTE will assist in the support of these computers and allow us to respond more promptly to trouble calls and provide maintenance on a more regular schedule.

### ***LFD Issue: Funding not adequate to support increased medical cost (D-77)***

DOC response: We agree a potential exists for the increase in offender population and that inflationary growth in health care costs may exceed the current budget request. However, the requested addition of a managed-care registered nurse will assist in trying to control the medical increases. Potential impact of additional inmates for 120 meth treatment beds is \$107,018 and secure care growth of 629 \$1,543,767 over the biennium.

*LFD Issue: Completeness of information for interoperable communication project (D-79)*

DOC response: This is part of statewide effort to ensure radio communication among public safety agencies is compatible. Communication is routinely identified by public safety responders as the most significant problem they face. The goal of the project is creation of an interoperable system capable of supporting day-to-day operations of all public safety agencies – local, state and federal – while being able to handle emergency preparedness and response. This is especially important for the Montana State Prison transportation program, which moves inmates throughout the state and neighboring states. Cell phones, with sporadic coverage, have been the primary method of communication for most of the public safety functions of corrections, internally and with other government agencies and services. But that form of communication has proven to be unreliable. The objective is to ensure that all emergency responders meet new Department of Homeland Security and State Interoperable Executive Committee standards calling for narrow-band spectrum system. By 2008, broad-band communication equipment will no longer be made by manufacturers. By no later than 2013, all broad-band frequencies must be narrow-banded and re-licensed. The prison transportation unit, Youth Services Division transportation unit and probation and parole officers in Region 1 (Missoula) have received adequate equipment to comply with the new federal regulations and industry standards. This meets approximately 10 percent of the department needs.

*LFD Issue: Completeness of information for the behavioral health facilitator (D-80)*

DOC response: Current statistics indicate 56 percent of state inmates in this country suffer from some mental health problem. Because of this, the departments of Public Health and Human Services and Corrections share responsibility for many of the same people. Improved treatment for offenders in correctional facilities and those needing out-patient services when re-entering the community is a critical ingredient for reducing the likelihood of mentally ill offenders committing new violations. The facilitator position will coordinate offender services between community mental health providers, probation and parole officers and prerelease centers. The goal is better and more consistent treatment regardless of where an offender is in the corrections or mental health systems. This will improve the ability to ensure offenders use appropriate medication, thus decreasing offender violations as they try to self-medicate themselves through substance abuse.

## **Program 2 (Community Corrections)**

### ***LFD Issue: Beds funded exceed estimated population (D-83)***

DOC response: The department did budget for more prerelease beds than the projected amount based the population management plan by 25 in FY 08 and 51 in FY 09. But this is necessary, not an excess. First, by February 2008, as many as 120 offenders will be released from the two new methamphetamine treatment centers and need aftercare services through prerelease centers. This scenario would recur in the second year of the biennium. Secondly, 46-18-201 (f) indicates the department can use prerelease centers as an additional condition to a probation placement. Thirdly, with the potential expansion of drug/treatment courts, prerelease centers could be used as additional condition for participation in these specialized court programs.

The department did budget for more offenders in alternatives to secure placement than the numbers contained in the population management plan. The difference is 114 in FY 08 and a 47 in FY 09. The population management plan counts the offenders where they are or are expected to be, but does not chronicle their status within a program. With about 100 offenders on waiting lists for substance-abuse treatment, the additional beds are necessary.

### ***LFD Issue: Provider rate increase overstated (D-88)***

DOC response: Provider rate increases are not included in the new beds as a contracted rate has already been established in the methamphetamine treatment facilities. In regards to the overstated provider rate increases, we concur.

Reporting Level 6401-02-05-01 should be reduced by \$296,400 in FY 08 and \$592,799 in FY 09.

### ***LFD Issue: Completeness of Information regarding 80 prerelease center beds in Northwest Montana (D-89)***

DOC response: This project is intended to, for the first time in Montana history, create a program that takes into account the cultural diversity, traditions and culture of the American Indian offender. The department's goal is to provide more prerelease options for probation and parole offenders from the Kalispell area and to reduce recidivism within the Indian offender population by providing a culturally specific community-based program with ties to the Flathead Indian Reservation. One potential configuration would result in a 40-bed center on the reservation and a 40-bed center in Kalispell. More than 800 offenders are on probation or parole in Flathead County with no services beyond standard supervision.

As of October 2006, 147 offenders from the Kalispell area were in prerelease centers around the state and creation of a prerelease program in the Flathead region would offer offenders opportunities to continue to live and work in communities where they have a higher level of support. In addition, a prerelease program designed to address Indian cultural issues is expected to be more effective in keeping Indian offenders from re-offending. A reasonable initial impact would be reducing, in the first two years of the center's operation, Indian representation in the prison population from 18.4 percent to 18 percent. Work on a draft request for proposals could begin upon subcommittee approval of the proposal. The RFP could be issued by June 1, 2007, with a July 1, 2008 opening date for the center(s). It is anticipated that the provider will screen offenders for placement prior to the opening of the facility.

*LFD Issue: Determination of funding requested for chemical dependency counselor contracts (D-90)*

DOC response: This request was based on the cost of existing contracted services and the needs of offenders. DP 205 requests \$546,520 for chemical dependency and mental health counselor contracts. This request in combination with the FY 06 base expenditure of \$55,400 will bring the total amount to \$601,928. This request is being made because there was not a full year of contracted expenditures.

*LFD Issue: Completeness of information for additional probation and parole officers (D-91)*

DOC response: The officer workload showed a need for about 20 officers at mid-FY 07, even before the growth in offenders anticipated during the next biennium. Recruitment would begin upon approval of this request. The goal would be to hire the new officers by July 1, 2007 and for them to complete basic training at the Montana Law Enforcement Academy by November 2007. Officers will be assigned according to workload needs, which currently would place five in the Billings region, three each in the Great Falls and Helena regions, and four in the Missoula, 2 the Kalispell region, two in Bozeman, two in Butte and one in Glendive. Historically, the department has not had difficulty recruiting probation and parole officers. As is the case with all new hires, furniture and equipment will be coordinated with the hire dates. Office space will continue to be a challenge and alternative work schedules are one of the options to deal with limited space.

*LFD Issue: Beds funded exceed population estimate (D-92)*

DOC response: See response to the same issue on Page D-83 above.

***LFD Issue: Completeness of information regarding methamphetamine treatment program (D-93)***

DOC response: The request for proposals issued for the treatment programs requires the contractors to measure outcomes of the programs. Also, the department contacted the University of Montana for possible assistance in a study to measure the effectiveness of this new program. As for the relative costs of the treatment program and prison terms, the savings are self-evident. A nine-month stay in the male treatment center will cost \$31,860 compared with an average stay of three years at Montana State Prison costing \$72,174. That amounts to a total savings of \$3.2 million for every 80 male offenders. A nine-month stay in the female treatment center will cost \$33,750, compared with an average stay of nine months at the Montana Women's Prison costing \$18,503. That amounts to a total increased cost of \$609,880 for every 40 female offenders. The net combined savings would be about \$2.6 million for every 120 offenders treated. This does not count the additional savings realized each time an offender, by virtue of benefits realized in the treatment program, avoids re-offending and a subsequent prison sentence.

***LFD Issue: Completeness of Information regarding the START program (D-94)***

DOC response: The START (Sanction, Treatment, Assessment, Revocation and Transition) program was established and funded by the 2005 Legislature. With almost half (47 percent) of admissions to prison the result of offenders violating conditions of their community placements, this program was clearly needed. The goal of the program was to divert from prison half of the offenders admitted to the program. The program focused on those offenders whose violations warranted a secure placement. The program has far exceeded its goal, diverting 80 percent to community corrections.

### **Program 3 (Secure Care)**

#### ***LFD Issue: Completeness of information for assumption of inmate transportation (D-100)***

DOC response: When the transportation contract was offered for bid early in 2006, a variety of vendors responded, however the cost of the services increased significantly from the existing contract. After a review of all the factors involved with the inmate transportation it was decided that the department would take over the transportation performed through the existing contract. The existing budget for FY 05 and FY 06 was not at the level required for the services provided and resulted in a deficit. The department expects to conduct 1,700 transports with 2,600 inmates in FY 07. A safe and efficient inmate transportation service is one that occurs with neither incidents nor escapes. County governments remain responsible for the first movement of offenders to the custody of the department. In assuming the inmate transportation service, the department has not incurred any transportation costs that historically were the responsibility of counties. However, if the department is at a county facility when a transport is needed, the department will handle the transfer if space is available in the vehicle. The department does transfer some inmates that are not the responsibility of the department or the state of Montana through the shuttle system. However, inmates who are the responsibility of the department have been transported on this same shuttle system through other states at no cost, thus saving the department and the state costs of going to out-of-state locations. In order for the shuttle system to work effectively, Montana needs to remain an active participant.

#### ***LFD Issue: Portions of the equipment request are new proposals (D-101)***

DOC response: Concur.

#### ***LFD Issue: Potential to reduce cost of Montana Women's Prison overtime (D-104)***

DOC response: The overtime and holiday pay expenses will be higher than contemplated if the two additional correctional officers are not approved. The requested amount takes into account the fact that overtime and holiday pay rise commensurate with pay increases.

#### ***LFD Issue: Beds funded exceed estimated population (D-106)***

DOC response: The current budget request supports the adult male and female secure population management plan of 407 in FY 08 and 632 in FY 09.

*LFD Issue: Provider rates for new contract beds (D-106)*

DOC response: The \$55.00 and \$58.00, respectively, represent a low average of county jail rates and are the department's best estimate of the cost of the additional secure beds. The rates are higher than the amount being paid to regional prisons, because construction costs of the new beds will be higher than the costs of the existing beds. This is comparable to the difference between renting a house built in 1995 and renting one built in 2006.

*LFD Issue: The provider rate increase for additional contract beds should be a new proposal (D-106)*

DOC response: This has been a present-law adjustment in past budgets.



## **Program 5 (Youth Services)**

*LFD Issue: Completeness of Information for replacing lost federal grant with general fund to continue juvenile re-entry programs (D-119)*

DOC response: This program emphasizes best practices for reentry of youth to the community allowing them to receive appropriate services that promote success and reduced recidivism in a less costly community setting as compared to higher cost secure care. Another important component related to guide homes that are licensed by DPHHS which allows youth to access Medicaid funding for outpatient treatment which would be gone if this option did not exist. It provides placement and service opportunities for youth who otherwise could not leave a secure correctional facility. Making state funding contingent on the lack of federal funds is appropriate, as is a restriction on use of the use of the money to juvenile re-entry programs.

*LFD Issue: Inmate pay at Riverside should be a new proposal (D-121)*

DOC response: Concur.

*LFD Issue: Removal of costs for food at Riverside (D-122)*

DOC response: Although the proposed commercial kitchen at the Riverside Youth Correctional Facility will process food, it is incapable of producing food. Money is still needed to buy food.

*LFD Issue: Reduction in future laundry costs at Pine Hills (D-125)*

DOC response: While some reduction in future costs could be realized with the addition of an in-house laundry, expenditures for laundry supplies still will be necessary. The future costs projected in the budget take into account the facility's ability to avoid the costs of contracted laundry services that will rise as labor and energy costs continue to climb.

*LFD Issue: Juvenile Delinquency Intervention Program (D-127)*

DOC response: Senate Bill 146 addresses all issues raised in this item.